

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

OMAR EL IZQUIERDO,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:05CV192 CDP
)	
LARRY CRAWFORD,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Omar Izquiereo, who is imprisoned in the Missouri Department of Corrections, alleges that defendants have violated his rights under the First and Fourteenth Amendments and the Religious Land Use and Institutionalized Persons Act by not providing separate religious services and programs for Shiite Muslims. He seeks class certification and a temporary restraining order or preliminary injunction. I have carefully reviewed the briefs and evidence submitted by the parties, including defendants' evidence about how they provide religious services for the diverse prison population.

I conclude that plaintiff has failed to show that he is suffering irreparable harm or that he is likely to succeed on the merits, and so I will deny the requests for immediate injunctive relief. This is not a ruling on the actual merits of the case, as it may be that plaintiff will be able to prove his claims at trial or on summary

judgment. The questions presented are close ones, and a more complete factual record will aid in the determination.

I also conclude that class certification should be denied, because if plaintiff obtains the injunctive relief he seeks here, all similarly situated prison inmates will benefit from that injunction. It is also apparent that this case is highly unlikely to meet the numerosity requirements for class treatment.

Finally, defendants have requested an extension of time under the Case Management Order. Their motion notes that plaintiff has recently been transferred to another prison facility, and that because of that transfer they were not able to take his deposition when scheduled. I believe a slight extension of all the deadlines will be in the interest of both parties. I remind plaintiff that he can file a motion for summary judgment if he wishes to, and that if he does so he should provide supporting evidence, which should include, at least, his own testimony made under penalty of perjury. If plaintiff chooses not to file his own motion for summary judgment, his response to defendants' anticipated motion must also include appropriate evidence, again including his own testimony.

I also remind plaintiff that he must file an appropriate notice of change of address, if in fact he has been moved. I will direct the Clerk of Court to mail this order to both prison facilities, but that does not relieve plaintiff of his obligation to

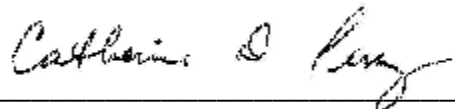
keep us informed of his address. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for temporary restraining order or other preliminary injunctive relief [#3] is denied, as is his motion for class certification [#4].

IT IS FURTHER ORDERED that defendants' motion for extension of time [#31] is granted, and the Case Management Order is modified as follows:

1. The parties shall complete all discovery in this case no later than **November 17, 2006**.
2. Any motion for summary judgment must be filed no later than **November 30, 2006**. Briefs in opposition to any motion for summary judgment must be filed no later than **January 5, 2007**, and any reply briefs must be filed no later than **January 29, 2007**.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this Order to plaintiff at the Jefferson City Correctional Center, 8200 No More Victims, Jefferson City, MO, 65101, in addition to sending it to his address of record.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 29th day of September, 2006.